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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Initial reports of States parties due in 1987

Addendum

SUDAN

[15 February 1991]

Introduction

1. The present Government of the Sudan recognizes that successive Governments of the Sudan since 1986 have not been able to carry out their undertaking under article 40 of the International Covenant on Civil and Political Rights to submit Sudan's initial report, which was due on 17 June 1987. Hence, apologies are due to the Secretary-General of the United Nations for this unjustified delay.

2. Since June 1986 the Republic of the Sudan has been ruled by three different régimes. Three different constitutions have been promulgated and applied during the period in question. It would, therefore, not be quite appropriate, or practicable, to submit a report under article 40 of the International Covenant on Civil and Political Rights which emphasizes the experience and constitution of each régime in the Sudan since 1986.

3. In the light of the above, the general guidelines regarding the form and contents of the report will not be followed strictu sensu; some modifications thereon will be necessary.

I. REPORT OF SUDAN UNDER ARTICLE 40 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

A. General

4. Sudan's transitional constitution of 1985 was suspended on 30 June 1989 when the Revolution for National Salvation took power. The country is presently governed by constitutional decrees, the most important of which are decree nos. 1, 2 and 3. The first two were issued on 30 June 1989 and the third on 28 July 1989.

5. In addition to suspending the transitional constitution of 1985 and dissolving the Constituent Assembly (Parliament), the Council of State (Head of State) and the Council of Ministers, constitutional decree no. 1 establishes the Revolutionary Command Council for National Salvation (RCCNS) as the highest constitutional, legislative and executive authority. Provision is made under article 7 of constitutional decree no. 1 for the continuation of the judiciary and all other non-political constitutional institutions together with all applicable laws.

6. In addition to dissolving all political parties and political formations and the prohibition of their activities, constitutional decree no. 2 proclaims a state of emergency all over the Sudan. The President of the Revolutionary Command Council for National Salvation is the competent authority to exercise the emergency powers. He may delegate such powers to any other person.

7. Under article 6 of constitutional decree no. 2, the President of the Revolutionary Command Council for National Salvation may issue orders and take measures in respect of the following:

(a) Acquisition of lands, property, commodities and other chattels for the public interest, provided that compensation shall be paid to owners of the same;

(b) Acquisition of lands, property, commodities and other chattels which are suspected to be the subject of violation of laws, provided that such acquisition would last until the violation is inquired into, or the courts decide on the matter;

(c) Prohibition or restriction of the movement of individuals or chattels, and means of transport and communication, in any area or areas or at any time;

(d) Prohibition or restriction of commodities production or their transportation, storage and determination of prices thereof;

(e) Termination of employment of any employee of the Government of the Sudan with or without post-service benefits;

(f) Termination of any contract between the Government of the Sudan and any public body, with preservation of such public body's right to claim compensation;

(g) Arrest of individuals suspected of endangering political or economic stability, provided that such individuals shall have the right to appeal to the RCCNS against such arrest.

8. Furthermore, article 6 of constitutional decree no. 2 prohibits the following activities:

(a) Showing of any political opposition by any means to the régime of the Revolution for National Salvation;

(b) Effecting, without special permission, any labour strike, or closure of shops, or intentional impediment of public services or public production, or private production or public life;

(c) Effecting, without special permission, any assembly for a political purpose in a public or private place.

9. In addition, constitutional decree no. 2 provides for the establishment of special courts for the trial of any accused person under that decree. In setting up such special courts the RCCNS or its delegate may also determine the trial procedures to be followed therein.

10. The ordinary courts are expressly prohibited under that decree by virtue of the provisions of article 9 (a) from hearing any suit in respect of any order taken under the provisions of the said decree.

11. The Emergency Regulations of 1989 which complement the provisions of constitutional decree no. 2 contain more than 40 sections aimed at ensuring security and safety of the country. According to section 41 (a) of the above regulations any person who violates any provision of the same, or any order issued thereunder, may be punished with death or imprisonment for a term not exceeding 20 years and may, in addition to imprisonment, be punished with a fine which may not exceed 10,000 Sudanese pounds.

12. The operative constitutional decrees do not contain any provisions protecting the rights referred to in the International Covenant on Civil and Political Rights. Neither is there a separate Bill of Rights for serving a similar purpose.

II. ARTICLES IN PARTS I, II AND III OF COVENANT

13. Although the transitional constitution of 1985 has been abrogated, Sudanese legislation, in general, remains in harmony with the provisions of the Covenant on Civil and Political Rights.

14. The Revolution for National Salvation inherited in June 1989 a very chaotic socio-economic and political situation with a civil war raging in the south and lawlessness engulfing the north.

15. Under the exigencies of those circumstances, and the possible threats of foreign intervention, it became expedient to proclaim a state of emergency with the inevitable derogation from Sudan's obligations under the Covenant on Civil and Political Rights. Non-derogation from articles 6, 7 and 8 (paras. 1 and 2), 11, 15, 16 and 18 is strictly observed.

16. The Revolution for National Salvation, through dialogue and national consultation, arrived at a peace programme in October 1989 for solving the real root causes of the conflict in the Sudan. That programme is based on the adoption of a federal system of government. Endeavours to reach a peaceful settlement with the rebels in southern Sudan are still being relentlessly pursued.

17. At the same time, and through dialogue and national consultation, the Revolution for National Salvation is proposing a new political system for the country. This system is based on participatory democracy and not on a multi-party system.

18. With the achievement of more progress in the peace process and the establishment of the political system, the state of emergency will naturally be lifted and the derogation from Sudan's obligations under the Covenant on Civil and Political Rights will be terminated forthwith.

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ANNEX

List of documents annexed a/

1. Constitutional decrees nos. 1, 2 and 3.

2. Constitution of the Special Courts Act, 1989 and amendments thereto.

3. The State of Emergency Regulations, 1989.

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a/ The texts of the documents mentioned in the annex are available for consultation in the secretariat's files in Arabic, as received from the Government of Sudan.